

No. 5:08-CR-282-5-F

**SEALED**  
**ORDER**


The court does not discredit Abdallah's reports that he is or has been threatened in relation to his involvement in various aspects of this and related cases. His concerns have been shared with those authorities who are responsible for investigating and addressing these matters. As the court repeatedly has informed Abdallah, the Bureau of Prisons administers the manner and location of the execution of his sentence. The court understands that in light of Mr. Abdallah's voiced concerns, measures to ensure his safety have necessitated special housing arrangements for him, not all of which are to his liking. Abdallah's Motion for Transfer of Custody [DE-492] is DENIED, as it is not within the court's purview to direct the place of his incarceration.

Abdallah also contends he is not receiving mail from his court-appointed lawyer. It is likely that Abdallah's special housing considerations, together with matters involving his compliance with his plea agreement and the fact that his case has been sealed because of matters Abdallah has chosen to disclose in his correspondence, have interfered with his lawyer's ability to reach him. The Clerk of Court has confirmed with appointed counsel that he represents Abdallah with regard to any relief to which Abdallah may be entitled under Simmons, see Notice of Appearance [DE-494], and that counsel has attempted to communicate with him. Accordingly, Abdallah's Motion to Appoint New Counsel [DE-493] is DENIED. **Abdallah is advised, however, that the attorney has been appointed only with regard to any Simmons issues that *may* be present in this case; counsel has not made a general appearance, and Abdallah is not entitled to court-appointed counsel for any other pending matter.** Furthermore, should appointed counsel conclude that Simmons cannot be reasonably construed to afford relief on the facts of this case, he is not required to pursue it.

The Clerk of Court is DIRECTED to file and retain this order UNDER SEAL, except that a "Confidential" copy of (1) this order and (ii) Abdallah's non-public correspondence [DE-506] shall be disclosed to the United States Marshal, the United States Attorney, Abdallah's court-appointed counsel, and to Abdallah himself.

SO ORDERED.

This, the 9<sup>th</sup> day of January, 2013.

  
JAMES C. FOX  
Senior U.S. District Judge